



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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FEB - 5 2014

Ref: 8EPR-N

BLM - Greater Sage Grouse EIS
Attn: Adam Carr
920 Northeast Main Street
Lewistown, MT 59457

Re: Lewistown Field Office Greater Sage-Grouse Draft
Resource Management Plan Amendment and Draft EIS,
CEQ # 20130322

Dear Mr. Carr:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the October 2013 Lewistown Field Office (LFO) Greater Sage-Grouse (GRSG) Draft Resource Management Plan Amendment and Environmental Impact Statement (Draft RMPA/EIS) as prepared by the Bureau of Land Management (BLM). The planning area is in central Montana and includes Chouteau, Fergus, Judith Basin, Meagher and Petroleum Counties.

Background

In March 2010, the United States Fish and Wildlife Service (USFWS) published its listing decision for GRSG as "warranted but precluded." Inadequacy of regulatory mechanisms was identified as a major threat to GRSG in the USFWS findings on the petition to list the species under the Endangered Species Act. In response to the USFWS findings, the BLM embarked on an effort to evaluate the adequacy of its Resource Management Plans (RMPs) throughout the range of the GRSG and to revise, as necessary, objectives and conservation measures to conserve GRSG. The RMPAs are being coordinated under two administrative planning regions, the Rocky Mountain Region and the Great Basin Region, whose boundaries are drawn to correspond with the threats identified by the USFWS in the 2010 listing decision. The LFO contains GRSG habitat that falls into both regions.

The BLM Montana State Office, in coordination with Montana Fish, Wildlife and Parks (MFWP), has identified two categories of GRSG habitat: Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH). The PPH areas have been identified as having the highest conservation value to maintaining sustainable GRSG populations and include breeding, late brood-rearing and winter concentration areas. The PGH areas are seasonal or year-round habitat outside of priority habitat.

Through this RMPA process, the BLM will refine PPH and PGH data to (1) delineate priority habitat (PH) and to analyze actions within PH areas to conserve GRSG habitat functionality, or where possible,

improve habitat functionality; and (2) identify general habitat (GH) areas and analyze actions within GH areas that provide for major life history function (e.g., breeding, migration, or winter survival). The Draft RMPA/EIS considers and analyzes four alternatives that address future management of approximately 345,560 acres of BLM-administered surface land and 639,930 acres of federal mineral estate. Alternative D is the Preferred Alternative. This alternative emphasizes balancing resources protection and resources use with conservation measures focused on both PH and GH.

Based on our review of the Draft RMPA/EIS, the EPA's comments and recommendations focus on (1) adaptive management; (2) oil and gas leasing stipulations; and (3) disclosure of the Montana Greater Sage-Grouse Habitat Conservation Strategy. These issues serve as the basis for the EC-2 rating discussed at the end of this letter.

EPA's Comments and Recommendations

1. Adaptive Management

We support the commitment of the BLM to develop an adaptive management plan "to provide certainty that unintended negative impacts on GRSG will be addressed before consequences become severe or irreversible and to provide regulatory certainty to the USFWS that appropriate action will be taken by the BLM." For the reasons discussed in Section 2.7 of the Draft RMPA/EIS, such a plan will be critical to the success of the management actions determined through the RMPA process. To provide certainty as committed to in the Draft RMPA/EIS, we recommend that the Final RMPA/EIS include the adaptive management plan with the following details:

- Specific timelines for periodic reviews and adjustments;
- Specific criteria for determining whether additional mitigation measures are needed;
- Specific mechanisms to consider and implement additional mitigation measures; and
- Specific thresholds that would trigger changes in management actions, monitoring or mitigation.

We additionally recommend that the BLM include more precautionary management actions in the Preferred Alternative, and use adaptive management to relax conservation measures as GRSG populations increase or achieve sustainability. This precautionary approach to adaptive management planning appears to be worth considering because of the slowness of the GRSG to move into expanded or improved habitat and the unpredictability of GRSG populations. Many of the land management practices and decisions covered by the Draft RMPA/EIS would result in permanent impacts with few opportunities to reduce habitat fragmentation. For example, once a new road is constructed there would be permanent impacts to GRSG habitat. For activities with more permanent impacts, it is not clear whether adaptive management would be successful in increasing the protection of GRSG habitat once the land management practices and decisions have been made, which suggests that it would be better initially to err on the conservative side and provide for relaxation of requirements, as appropriate, through adaptive management.

2. Oil and Gas Leasing Stipulations

Based on Section 1.6.4 and a conversation with the BLM, we understand that revisions to the oil and gas leasing stipulations are being deferred until a full RMP/EIS analysis is conducted due to an existing protest resolution decision affecting lands managed within the LFO. This decision does not allow oil and gas leasing of nominated parcels that would require a special stipulation to protect important wildlife

values, which would include PPH and PGH. Since this current Draft RMPA/EIS considers management actions for only GRSG and does not address other wildlife resources values, oil and gas leasing is deferred to the full RMP revision process when all important wildlife values in the LFO planning area will be addressed. We assume that many of the existing stipulations, including those related to GRSG protection, will be revised and new stipulations may be proposed at that time to be consistent with efforts underway in other BLM Field Offices. We look forward to the opportunity to review and comment on that analysis, which is scheduled to begin within a couple months.

At this time, we recommend including a discussion in the Final RMPA/EIS regarding how this “stand-alone” LFO GRSG RMPA will ensure GRSG protection without considering these important stipulations. We note that the Preferred Alternative’s required design features (RDFs) include some land-use restrictions for fluid mineral development in PH and GH (e.g., locate roads to avoid important areas/habitats, locate new compressor stations outside PH, locate man camps outside of PH). However, we also note that the Preferred Alternative includes some beneficial RDFs and best management practices (BMPs) for solid mineral development that are not included in the fluid mineral development requirements (e.g., no surface use in nesting habitat from March 1 – June 15; restrict maintenance and related activities in GRSG breeding/nesting complexes from March 1 – June 15 between 4-8 a.m. and 7-10 p.m.; no surface use within GRSG wintering areas from December 1 – March 31). Without related revisions to oil and gas leasing stipulations, these RDFs and BMPs take on a much greater importance. As such, we also recommend clarifying the statement in Section 2.4.6 to specify that RDFs are included in the operating constraints that will be applied to existing leases as Conditions of Approval.

3. Disclosure of the Montana Greater Sage-Grouse Habitat Conservation Strategy

We note that the Montana Greater Sage-Grouse Habitat Conservation Advisory Council recently released its November 1, 2013 *Draft Montana Greater Sage-Grouse Habitat Conservation Strategy* (Montana Strategy) for review and comment. This citizen-based Advisory Council was directed by the Montana Governor to “gather information, furnish advice, and provide recommendations on policies and actions for a state-wide strategy” to conserve the GRSG. The Advisory Council intends to evaluate public comments on the Draft Montana Strategy and then modify/finalize its recommendations to the Governor in January 2014. After finalizing the Montana Strategy and developing an implementation plan, the Governor will submit the Montana Strategy to the USFWS for review with the expectation that the USFWS will determine its adequacy.

We recommend that the Final RMPA/EIS disclose the status of the Montana Strategy, the USFWS review and recommendations, and the implications for activities on BLM lands. If the Montana Strategy has been finalized and its adequacy determined by the USFWS, we recommend that it be incorporated into the Final RMPA/EIS. We note that the Draft Montana Strategy includes GRSG protections in the form of general stipulations for development in the Core Area, including a No Surface Occupancy buffer within 1 mile of active sage-grouse leks and a surface disturbance limit of 5% of suitable sage-grouse habitat within a project area. It also proposes specific stipulations for certain activities such as location of roads and pipelines that could have implications for future connections to activities occurring on BLM lands.

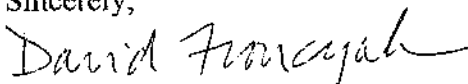
The EPA’s Rating

Based on our review, the EPA is rating the Draft RMPA/EIS Preferred Alternative as “Environmental Concerns – Insufficient Information” (EC-2). The “EC” rating means that the EPA’s review has

identified potential impacts that should be avoided in order to fully protect the environment. The "2" rating means that the Draft RMPA/EIS does not contain sufficient information for the EPA to fully assess environmental impacts. A description of the EPA's rating system can be found at: <http://www.epa.gov/compliance/nepa/comments/ratings.html>.

We appreciate the opportunity to comment on this document and hope our suggestions will assist you with preparation of the Final RMPA/EIS. Please contact us if additional explanation of these comments would be helpful. You can reach me at 303-312-6704, or your staff may wish to contact Amy Platt at 303-312-6449 or by email at platt.amy@epa.gov.

Sincerely,

for 

Philip S. Strobel, Acting Director
NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation